

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANNIELLE CURRY, on her own behalf)	
and as Special Administrator of the Estate)	
of CHRISTOPHER KELLY, deceased,)	
)	
Plaintiff,)	No. 15 C 9152
)	
)	Judge John Z. Lee
v.)	
)	
)	Magistrate Judge Mason
OFFICER KYLE BURNS (Star #13310), <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANTS' UNOPPOSED MOTION
FOR LEAVE TO FILE ANSWER *INSTANTER***

Defendants City of Chicago, Officer Kyle Burns, Officer Kelin Althoff, Officer Chris Dieball, Officer Mark LaCivita, Officer Virginia O'Donnell, Officer Brian Rix, Officer Michael Key, Sgt. Angelo Monaco, Officer Lilian Zepeda, Officer Joyce Shean, Officer Gabriel Cruz, Officer Erick Grady, Officer Kevin Hawkins, Officer Eric Sehner, and Officer Adam Fitzgerald, by and through one of their attorneys, Bret A. Kabacinski, Assistant Corporation Counsel, respectfully requests this Honorable Court grant them leave to file their Answer to Plaintiff's Second Amended Complaint, attached to this motion at Exhibit A, *instante*. In support of this motion, Defendants state as follows:

1. Plaintiff filed her Complaint on October 15, 2015. She filed an Amended Complaint, naming the individual police officers as defendants, on November 17, 2015.

Plaintiff's Second Amended Complaint, adding more police-officer defendants, was filed on March 16, 2016. *See* Dkt. No. 33.

2. The Amended Complaint alleges that the Defendant Officers physically attacked Plaintiff's brother, Christopher Kelly, resulting in Kelly's death, or did not prevent other Defendant Officers from doing so.

3. Defendants were ordered to answer the Second Amended Complaint by May 17, 2016. *See* Dkt. No. 42. Accordingly, the undersigned counsel prepared an answer for all of the defendants to be filed by that date.

4. Due to a docketing error by the undersigned counsel, the answer was not timely filed. However, the answer is ready to be filed and is attached to this motion.

5. Recognizing his error, the undersigned counsel contacted Ronak Maisuria, one of Plaintiff's attorneys, to see if Plaintiff's counsel would object to this motion. Ms. Maisuria stated that Plaintiff does not object.

6. This motion is not made for the purpose of undue delay. No prejudice will result to Plaintiff by granting this motion.

WHEREFORE, the City respectfully request this court grant Defendants leave to file their answer to Plaintiff's Second Amended Complaint *instanter*, and provide whatever other relief the Court deems just and proper.

DATED: May 18, 2016

Respectfully submitted,

By: /s/ Bret A. Kabacinski
Bret A. Kabacinski
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CERTIFICATE OF SERVICE

I, Bret A. Kabacinski, an attorney, certify that on May 18, 2016, I served a copy of this motion upon the Plaintiff by filing the same before the Court via the ECF system.

/s/ Bret A. Kabacinski
Bret A. Kabacinski